## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	UNITED STATES OF AMERICA )					
	Plaintiff,	) 8:05CR199 )				
	vs.	) DETENTION ORDER				
JO	JOSE C. CONTRERAS-CORTEZ,					
	Defendant.	j ,				
A.	After conducting a detention hearing pursu	uant to 18 U.S.C. § 3142(f) of the Bail Reform above-named defendant detained pursuant to				
В.	The Court orders the defendant's detentio  X By a preponderance of the evidence will reasonably assure the appeara  X By clear and convincing evidence the second s	on because it finds: e that no condition or combination of conditions				
C.	which was contained in the Pretrial Service  X (1) Nature and circumstances of the X (a) The crime: a conspiral distribute in excess of carries a minimum seemaximum of life imprised distribute in excess of the violation of 21 U.S.C. Seemaximum of a fireation violation of 18 U.S.C. Seemaximum o	the offense charged: acy to distribute and possess with intent to 500 grams of methamphetamine (Count I), entence of ten years imprisonment and a sonment; and the possession with intent to 50 grams of methamphetamine (Count VI) in 8 841(a)(1) carries a minimum sentence of five d a maximum of forty years imprisonment; and earm during a drug trafficking offense (Count VII) C. § 924(c) carries a mandatory five year to the drug trafficking counts. of violence- See 18 U.S.C. § 3156(a)(4)(B). narcotic drug. large amount of controlled substances, to wit:				
	X(3) The history and characteristics (a) General Factors: The defendant ap affect whether theX The defendant hasX_ The defendant hasX_ The defendant hasX_ The defendant is r	•				

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			X Past conduct of the defendant: the defendant has used an alias
			name The defendant has a history relating to drug abuse.
			The defendant has a history relating to drug abuse.  The defendant has a history relating to alcohol abuse.
			X The defendant has a significant prior criminal record.
			The defendant has a prior record of failure to appear at court
		(h)	proceedings. At the time of the current arrest, the defendant was on:
		(D)	X Probation - Los Angeles, CA.
			Parole
			Release pending trial, sentence, appeal or completion of
		(c)	sentence. Other Factors:
		(0)	X The defendant is an illegal alien and is subject to deportation.
			The defendant is a legal alien and will be subject to deportation
			if convicted.  X The Bureauof Immigration and Custom Enforcement (BICE) has
			placed a detainer with the U.S. Marshal.  Other:
Χ	(4)	The na	ature and seriousness of the danger posed by the defendant's release
		are a	s follows: The nature of the charges in the Indictment, and the
		aeren	dant's criminal history.
Χ	(5)	Rebu	ttable Presumptions
			ermining that the defendant should be detained, the Court also relied on
			llowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) the Court finds the defendant has not rebutted:
	Χ		That no condition or combination of conditions will reasonably assure
		_ (~)	the appearance of the defendant as required and the safety of any
			other person and the community because the Court finds that the crime
			involves: X (1) A crime of violence: or
			X (1) A crime of violence; or X (2) An offense for which the maximum penalty is life
			imprisonment or death; or
			X (3) A controlled substance violation which has a maximum
			penalty of 10 years or more; or (4) A felony after the defendant had been convicted of two or
			more prior offenses described in (1) through (3) above, and
			the defendant has a prior conviction for one of the crimes
			mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was
			on pretrial release.
	_X	_ (b)	That no condition or combination of conditions will reasonably assure
			the appearance of the defendant as required and the safety of the
			community because the Court finds that there is probable cause to believe:
			X (1) That the defendant has committed a controlled substance
			violation which has a maximum penalty of 10 years or more.
			X (2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in
			relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment if

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committed by the use of a deadly or dangerous weapon or device).

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: May 31, 2005. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge